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09/788,329	02/16/2001	David L. Anson	50037.16US01	6113

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EXAMINER	
NASH, LASHANYA RENEE	
ART UNIT	**PAPER NUMBER**
2153	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/788,329	ANSON ET AL.	
	Examiner	Art Unit	
	LaShanya R. Nash	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 October 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This action is in response to an amendment filed 15 October 2007. Claims 1-20 are presented for further consideration. Claims 1,7,14 and 20 are currently amended.

Response to Arguments

Applicant's arguments, see Remarks (page 8), filed 15 October 2007, with respect to the rejection of claims 1-20 under 35 USC 103(a) have been fully considered and are persuasive in view of the amended claims. Therefore, the rejection has been withdrawn. However, upon further consideration, a new grounds of rejection is made in view of a newly found prior art reference.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (US Patent 6,333,973) in view of Tindal et al. (US Patent Application Publication 2002/0069291) and Middleton (US Patent Application Publication 2002/0083160), hereinafter referred to as Smith, Tindal and Middleton respectively.

In reference to claim 1, Smith discloses an integrated messaging center method for operating on telecommunications equipment, in order to consolidate messages of different types for viewing and manipulation by a user (abstract). Smith discloses:

- A computer-implemented method for routing messages, received by a mobile device (Figure 1-item 1100), to an application of the mobile device (column 2, lines 25-32), comprising:
- Providing a plurality of providers, wherein each provider is associated with a message type (column 5, line 63-column 5, line 15);
- Receiving a message on the mobile device (column 3, lines 60-column 4, line 65);
- Routing the message to the plurality of providers of the mobile device, (column 1, lines 48-67);
- Associating the message with the at least one of the plurality of providers when the at least one of the plurality of providers recognizes the message type (column 7, line 7-column 8, line 10); and informing an application of the mobile device associated with the provider that the message is waiting without the application sending a query to receive an indication that the message is waiting (column 8, lines 27-51).

Although Smith discloses substantial features of the claimed invention, the reference fails to disclose the method wherein the plurality of provider are prioritized and the first higher highest priority receives the message first and routing the message to the provider with the second highest priority when the provider with the first highest does

not recognize the message type. Nonetheless, this would have been an obvious modification to the method as disclosed by Smith for one of ordinary skill in the art at the time of the invention, as further evidenced by Tindal.

In an analogous art, Tindal discloses dynamic configuration of network devices for efficient data transfer. Tindal further discloses plurality of providers are prioritized and the first higher highest priority receives the message first (i.e. route via the service having the higher preference) and routing the message to the provider with the second highest priority when the provider with the first highest does not recognize the message type (paragraphs [0025]-[0027]). One of ordinary skill in the art would have been so motivated to accordingly modify the method of Smith so as to maximize network resources and revenue by providing higher priority services to customers (Tindal; paragraph [0025], lines 13-16). However, the references fail to show accessing a registry of the mobile device, wherein the registry includes data that indicates priority of each of the plurality of prioritized providers with respect to one another; and providing prioritized providers in accordance with the priority indicated by the registry of the mobile device. These features were well-known in the art and thus would have been an obvious modification to the method of Smith and Tindal, as further evidenced by Middleton.

In an analogous art, Middleton discloses a method for managing applications and data residing on a mobile device (abstract). Middleton further discloses accessing a registry of the mobile device (i.e. Figure 1-item 13; paragraph [0013], lines 2-8), wherein the registry includes data (i.e. parameters) that indicates priority of each of the plurality

of prioritized providers (i.e. applications) with respect to one another (i.e. priority of use; paragraph [0006], lines 6-10; paragraph [0014], lines 15-32); and providing prioritized providers in accordance with the priority indicated by the registry of the mobile device (paragraph [0006], lines 4-13). Thus, it would have been obvious to one having ordinary skill in the art to employ the registry of the mobile device including priority of providers taught by Middleton, since the registry could have been used in combination with the message routing method of the mobile device taught by Smith and Tindal, with no change to their respective functions to achieve the predictable result providing a plurality of prioritizing providers on a mobile device.

In reference to claim 7, Smith discloses an integrated messaging center method and associated software (column 5, line 58-column 6, line 2) for operating on telecommunications equipment, in order to consolidate messages of different types for viewing and manipulation by a user (abstract). Smith discloses:

- A computer-readable medium having computer executable instructions for routing messages (column 5, line 58-column 6, line 2), received by a mobile device (Figure 1-item 1100), to an application of the mobile device (column 2, lines 25-32), comprising:
- Receiving a message on the mobile device (column 3, lines 60-column 4, line 65) having a message type indicated by a character sequence in the message, (column 2, lines 37-46); and wherein each provider is associated with a message type (column 5, line 63-column 5, line 15);

- Routing the message to the plurality of providers of the mobile device, (column 1, lines 48-67;column 5, line 63-column 5, line 15);
- Associating the message with the at least one of the plurality of providers when the at least one of the plurality of providers recognizes the character sequence (column 7, line 7-column 8, line 10); and informing an application of the mobile device associated with the provider that the message is waiting without the application sending a query to receive an indication that the message is waiting (column 8, lines 27-51).

Although Smith discloses substantial features of the claimed invention, the reference fails to disclose the method wherein there plurality of providers are a list of prioritized providers and routing the message to a first prioritized provider associating the message with the first prioritized provider when the first prioritized provider recognizes the character sequence; and routing the message to a second prioritized provider when the first prioritized provider does not recognize the character sequence. Nonetheless, this would have been an obvious modification to the method as disclosed by Smith for one of ordinary skill in the art at the time of the invention, as further evidenced by Tindal.

In an analogous art, Tindal discloses dynamic configuration of network devices for efficient data transfer (abstract). Tindal further discloses the plurality of providers are a list of prioritized providers and the routing the message to a first prioritized provider associating the message with the first prioritized provider when the first prioritized provider recognizes the character and routing the message to a second prioritized

provider when the first prioritized provider does not recognize the character sequence (paragraphs [0025]-[0027]). One of ordinary skill in the art would have been so motivated to accordingly modify the method of Smith so as to maximize network resources and revenue by providing higher priority services to customers (Tindal paragraph [0025], lines 13-16). However, the references fail to show accessing a registry of the mobile device, wherein the registry includes data that indicates priority of each of the plurality of prioritized providers with respect to one another; and providing a plurality of prioritized providers on the mobile device in accordance with the priority indicated by the registry of the mobile device. These features were well-known in the art and thus would have been an obvious modification to the method of Smith and Tindal, as further evidenced by Middleton.

In an analogous art, Middleton discloses a method for managing applications and data residing on a mobile device (abstract). Middleton further discloses accessing a registry of the mobile device (i.e. Figure 1-item 13; paragraph [0013], lines 2-8), wherein the registry includes data (i.e. parameters) that indicates priority of each of the plurality of prioritized providers (i.e. applications) with respect to one another (i.e. priority of use; paragraph [0006], lines 6-10; paragraph [0014], lines 15-32); and providing prioritized providers in accordance with the priority indicated by the registry of the mobile device (paragraph [0006], lines 4-13). Thus, it would have been obvious to one having ordinary skill in the art to employ the registry of the mobile device including priority of providers taught by Middleton, since the registry could have been used in combination with the message routing method of the mobile device taught by Smith and Tindal, with no

change to their respective functions to achieve the predictable result providing a plurality of prioritizing providers on a mobile device.

In reference to claim 14, Smith discloses an integrated messaging center system employed for operating on telecommunications equipment, in order to consolidate messages of different types for viewing and manipulation by a user (abstract). Smith discloses:

- A system (Figure 5) for routing messages received by a mobile device to an application of the mobile device (column 2, lines 25-32), comprising:
- A processor and a computer-readable medium (column 5, line 58-column 6, line 2; Figure 3);
- An operating environment stored on the computer-readable medium and executing on the processor, (column 5, line 58-column 6, line 23; Figure 3);
- A communication connection device operating under the control of the operating environment (column 5, lines 9-31);
- A routing device operating under the control of the operating environment and operative to perform actions, (column 6, line 65-column 7, line 15);
- Providing a plurality of providers, wherein each provider is associated with a message type (column 5, line 63-column 5, line 15);

- Receiving a message on the mobile device (column 3, lines 60-column 4, line 65) having a provider indicator in the message, (column 2, lines 37-46);
- Routing the message to the plurality of providers of the mobile device, (column 1, lines 48-67);
- Associating the message with the at least one of the plurality of providers when the at least one of the plurality of providers recognizes provider indicator (column 7, line 7-column 8, line 10); and delivering the message to an application of the mobile device associated with the at least one provider when the at least one provider recognizes the provider indicator, wherein the application is informed that the message is waiting without the application sending a query to receive an indication that the message is waiting (column 8, lines 27-51).

Although Smith discloses substantial features of the claimed invention, the reference fails to disclose the method wherein there plurality of providers are a list of prioritized providers and routing the message until at least one provider of the mobile device recognizes the provider indicator, wherein the message is routed according to a priority level of the provider, whereon the provider having the first highest level of priority receives the message first, and wherein the message is routed to a provider having a second highest level of priority when the provider having the first highest level of priority does not recognize the provider indicator . Nonetheless, this would have been an

obvious modification to the method as disclosed by Smith for one of ordinary skill in the art at the time of the invention, as further evidenced by Tindal.

In an analogous art, Tindal discloses dynamic configuration of network devices for efficient data transfer (abstract). Tindal further discloses the plurality of providers are a list of prioritized providers routing the message until at least one provider of the mobile device recognizes the provider indicator, wherein the message is routed according to a priority level of the provider, wherein the provider having the first highest level of priority receives the message first and wherein the message is routed to a provider having a second highest level of priority when the provider having the first highest level of priority does not recognize the provider indicator (paragraphs [0025]-[0027]). One of ordinary skill in the art would have been so motivated to accordingly modify the system of Smith so as to maximize network resources and revenue by providing higher priority services to customers (Tindal paragraph [0025], lines 13-16). However, the references fail to show accessing a registry of the mobile device, wherein the registry includes data that indicates priority of each of the plurality of prioritized providers with respect to one another; and providing a plurality of prioritized providers on the mobile device in accordance with the priority indicated by the registry of the mobile device. These features were well-known in the art and thus would have been an obvious modification to the system of Smith and Tindal, as further evidenced by Middleton.

In an analogous art, Middleton discloses a system for managing applications and data residing on a mobile device (abstract). Middleton further discloses accessing a registry of the mobile device (i.e. Figure 1-item 13; paragraph [0013], lines 2-8), wherein

the registry includes data (i.e. parameters) that indicates priority of each of the plurality of prioritized providers (i.e. applications) with respect to one another (i.e. priority of use; paragraph [0006], lines 6-10; paragraph [0014], lines 15-32); and providing prioritized providers in accordance with the priority indicated by the registry of the mobile device (paragraph [0006], lines 4-13). Thus, it would have been obvious to one having ordinary skill in the art to employ the registry of the mobile device including priority of providers taught by Middleton, since the registry could have been used in combination with the message routing system of the mobile device taught by Smith and Tindal, with no change in their respective functions to achieve the predictable result providing a plurality of prioritizing providers on a mobile device.

In reference to claim 20, Smith discloses an integrated messaging center method for operating on telecommunications equipment, in order to consolidate messages of different types for viewing and manipulation by a user (abstract). Smith discloses:

- A computer-implemented method for routing messages, received by a mobile device (Figure 1-item 1100), to an application of the mobile device (column 2, lines 25-32), comprising:
- Providing a plurality of providers, wherein each provider is associated with a message type and at least one application of the mobile device (column 5, line 63-column 5, line 15);
- Receiving at least one message including a provider character sequence (column 2, lines 37-46; column 3, lines 60-column 4, line 65);

- Routing the at least one message to the plurality of providers until one of the plurality of providers recognizes the provider character sequence, wherein the message is routed each of the providers, (column 1, lines 48-67);
- Indicating the message is recognized (i.e. notification messages; column 7, line 7-column 8, line 10);
- Associating the message with the recognized provider (column 7, line 7-column 8, line 10); and informing an application of the mobile device associated with the provider that the message is waiting without the application sending a query to receive an indication that the message is waiting (column 8, lines 27-51);
- Requesting by the application delivery of the message (column 8, lines 65);
- Associating the request with the recognized provider (column 8, lines 35-45; Figure 7A);
- Formatting the message for the application (column 7, lines 24-30);
- Delivering the formatted message to the application (column 9, line 24-column 10, line 56).

Although Smith discloses substantial features of the claimed invention, the reference fails to disclose the method wherein there plurality of providers are a list of prioritized providers and routing the message until at least one provider of the mobile device recognizes the provider indicator, wherein the message is routed according to a priority

level of the provider, wherein the provider having the first highest level of priority receives the message first, and wherein the message is routed to a provider having a second highest level of priority when the provider having the first highest level of priority does not recognize the provider indicator . Nonetheless, this would have been an obvious modification to the method as disclosed by Smith for one of ordinary skill in the art at the time of the invention, as further evidenced by Tindal.

In an analogous art, Tindal discloses dynamic configuration of network devices for efficient data transfer (abstract). Tindal the plurality of providers are a list of prioritized providers routing the message until at least one provider of the mobile device recognizes the provider indicator, wherein the message is routed according to a priority level of the provider, whereon the provider having the first highest level of priority receives the message first and wherein the message is routed to a provider having a second highest level of priority when the provider having the first highest level of priority does not recognize the provider indicator (paragraphs [0025]-[0027]).One of ordinary skill in the art would have been so motivated to accordingly modify the system of Smith so as to maximize network resources and revenue by providing higher priority services to customers (Tindal paragraph [0025], lines 13-16). However, the references fail to show accessing a registry of the mobile device, wherein the registry includes data that indicates priority of each of the plurality of prioritized providers with respect to one another; and providing a plurality of prioritized providers on the mobile device in accordance with the priority indicated by the registry of the mobile device. These

features were well-known in the art and thus would have been an obvious modification to the method of Smith and Tindal, as further evidenced by Middleton.

In an analogous art, Middleton discloses a method for managing applications and data residing on a mobile device (abstract). Middleton further discloses accessing a registry of the mobile device (i.e. Figure 1-item 13; paragraph [0013], lines 2-8), wherein the registry includes data (i.e. parameters) that indicates priority of each of the plurality of prioritized providers (i.e. applications) with respect to one another (i.e. priority of use; paragraph [0006], lines 6-10; paragraph [0014], lines 15-32); and providing prioritized providers in accordance with the priority indicated by the registry of the mobile device (paragraph [0006], lines 4-13). Thus, it would have been obvious to one having ordinary skill in the art to employ the registry of the mobile device including priority of providers taught by Middleton, since the registry could have been used in combination with the message routing method of the mobile device taught by Smith and Tindal, with no change in their respective functions to achieve the predictable result providing a plurality of prioritizing providers on a mobile device.

In reference to claims 2, 8 and 15, Smith shows the SMS routing comprising: waiting for the application to request the message formatting the message to the requirements of the application and delivering the formatted message to the application (column 8, line 35-51; column 9, lines 23-column 10, line 56).

In reference to claims 3 and 16, Tindal shows the SMS method comprising: providing the message to a provider based on a priority level; and determining if the prioritized provider is associated with the message, (paragraphs [0025]-[0027]).

In reference to claims 4 and 11, Tindal shows the SMS message routing method wherein the providers have a unique priority level, (paragraphs [0025]-[0027]).

In reference to claims 5,12 and 17 Tindal shows the SMS routing method comprising: receiving a response from the prioritized provider indicating if the prioritized provider is associated with the message and associating the message with the prioritized provider if the received response indicates that the prioritized provider is associated with the message, (paragraphs [0025]-[0027]).

In reference to claims 6, 13, and 18 Smith shows the SMS routing method wherein: associating the message with the prioritized provider if the received response indicates that the prioritized provider is associated with the message further comprises storing the message in a location associated with the prioritized provider, (column 7, line 15-column 8, line 10).

In reference to claims 9 and 19, Smith shows a SMS routing software product with computer-executable instructions wherein: formatting the message for the application further comprises: providing access to the message to the provider

associated with the requesting service; and the provider associated with the requesting application formatting the message to the requirements of the application (column 9, line 23-column 10, line 56).

In reference to claim 10, Tindal shows a SMS routing software product with computer-executable instructions comprising: prioritizing the list of providers based on a priority level; and providing access to the message to each of the prioritized providers in order of the priority until the message has been associated, (paragraphs [0025]-[0027]).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShanya R Nash whose telephone number is (571) 272-3957. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShanya Nash
Art Unit, 2153
December 20, 2007

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